



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 9th May, 2003:—

I

BILL NO. XIII OF 2003

A Bill to provide for population control and for matters connected therewith.

BE it enacted by Parliament in the Fifty-Fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control Act, 2003.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—“appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government.

Definitions.

3. It shall be duty of the Central Government to encourage, promote and motivate small family norms with a view to ensuring a decline in birth rate and to control the rising population in the country.

Central
Government to
promote small
family norm.

4. If either husband or wife having only one child on the date of commencement of this Act, voluntarily undergoes sterilization, the appropriate Government shall provide the couple with the following benefits, namely:—

Facilities in
case of
sterilization
after one child.

(i) free education including higher education to such child;

(ii) suitable employment to such child after he/she completes his/her education;

and

(iii) such other benefits as may be prescribed by rules made under this Act.

Population control to be a compulsory subject in secondary education.

5. In order to create an awareness of the dangers of the galloping population the appropriate Government shall introduce population control as a compulsory subject in all educational institutions for all children from ninth to twelfth class.

Maximum age for marriage.

6. No marriage shall be solemnized between a male who is less than twenty seven years of age, and a female who is less than twenty two years of age.

Government employees to undertake not to procreate more than one child.

7. (1) Any person who is serving in connection with the affairs of the Union or of State or in any undertaking or organization under the control of the Central Government or the State Government, as the case may be, and who has only one living child, or who has not procreated any child or who is unmarried on the date of Commencement of this Act, shall give an undertaking that he shall not procreate more than one living child.

(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as may be determined by the appropriate Government.

Penalty.

8. Any person who contravenes the provisions of section 5 shall be punished with simple imprisonment for not less than five years and with fine which shall be not less than rupees twenty thousand.

Over-riding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Rapid increase in the population has given rise to many socio-economic problems like poverty, food and housing shortage, unemployment, environmental degradation, etc. We are the second highest populous country after China. If the present trend continues, it will not be possible for us to tackle the socio-economic problems which would be beyond control due to population explosion. It is, therefore, imperative that certain effective steps should be taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only if the size of the family is limited. Despite existence of various birth control measures and various family planning programmes, the problem of over population still remains.

The Bill, therefore, seeks to promote sterilization voluntarily among the eligible couples having one child, and also provides for certain measures like fixing the minimum age for marriages, promoting small family norms, introduction of population control subject in the school curricula for promoting small family norms in the future generation.

Hence this Bill.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain benefits to be given to those who undergo sterilisation voluntarily. Clause 5 provides for introduction of compulsory subject relating to population control in all educational institutions. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union Government and the Governments of Union territories. The State Governments will incur expenditure in respect of their State out of their respective consolidated funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees hundred crore out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

II

BILL NO. XIV OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2003.

Substitution of
new article for
article 120.

2. For article 120 of the Constitution, the following article shall be substituted, namely:—

Languages in
which Business
in Parliament
to be
transacted.

“120. Business in Parliament shall be transacted in Hindi or in English:

Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, shall—

(i) permit a member to give notice under different class of business in accordance with the Rules of procedure framed under article 118, in any of the languages specified in the Eighth Schedule;

(ii) permit any member who cannot adequately express himself in Hindi or in English to address the House in one of the languages specified in Eighth Schedule;

(iii) cause all business transacted in Parliament translated into all languages specified in the Eighth Schedule and circulate them to members; and

(iv) make available simultaneous interpretation facilities in all languages specified in the Eighth Schedule if and when any member addresses the House either in Hindi or in English or in any other language."

STATEMENT OF OBJECTS AND REASONS

At present all business in Parliament as per the provisions of article 120 of the Constitution is transacted either in Hindi or in English. The presiding officer of either House of Parliament, that is, the Chairman of the Council of States or the Speaker of the House of the People as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother tongue. In such a case, however, there is no provision either in the Constitution or in the Rules of Procedure and Conduct of Business in either House of Parliament for simultaneous translation of the Member's speech into Hindi or English. The result is that the member's speech is not intelligible to his colleagues in the House and he remains outside the mainstream of Parliamentary proceedings and his speech cannot make any impact or any effective contribution to the Parliamentary business howsoever useful his speech, may be. In the interest of healthy Parliamentary tradition, it is desirable that whatever a member speaks should be rendered into Hindi, English and other national languages listed in the 8th Schedule of the Constitution.

Also, at present members are required to table notices under different provisions of the Rules of Procedure and Conduct of Business in Lok Sabha/Rajya Sabha either in English or in Hindi. Members who are not well versed in either language, are deprived from participating meaningfully in the debates.

With a view to developing sound parliamentary system and to afford an opportunity to members to participate in the debates and function as true Parliamentarians, it is proposed that—

(i) simultaneous interpretation facilities should be provided in all languages mentioned in the Eighth Schedule; and

(ii) members may be permitted to table notices in all languages specified in the Eighth Schedule.

Hence the Bill.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

The Bill seeks to provide for simultaneous interpretation and also translation facility in all languages specified in the Eighth Schedule to the Constitution. It also enables members to table notices in those languages.

This will involve some expenditure from the Consolidated Fund of India in respect of appointment of interpreters, translators, etc. It is likely that an annual recurring expenditure of about rupees two crore is to be involved.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved for making necessary arrangements in Parliament for simultaneous interpretation and making available translation in all languages.

III

BILL NO. XX OF 2003

A Bill to provide for reservation of posts in Government Services and Seats in educational institutions for persons belonging to economically weaker section of the society and for those living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation of Posts in Government Services and Seats in Educational Institutions for Economically Weaker Section and people living below poverty line Act, 2003.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “economically weaker section of the society” means a class of persons in the society irrespective of their religion or caste, whose income from all sources including the income of their family members does not exceed one thousand five hundred rupees per mensem;

(b) "family" includes the husband, wife and dependent children;

(c) "Government Services" means services or posts in connection with the affairs of the Union and includes appointments in an undertaking of the Government of India or an undertaking or organisation carrying on any type of activity where fifty one per cent of its capital has been contributed in any form by the Government of India;

(d) "People below poverty line" means a class of persons irrespective of their caste or religion whose income from all sources, including the income of their family members does not exceed one thousand rupees per mensem.

Reservation
of Posts in
Government
Services for
people below
poverty line.

3. Notwithstanding anything contained in any other law for the time being in force, thirty per cent of the posts in Government Services shall be reserved for candidates belonging to people below poverty line.

Reservation
of Posts in
Government
Services for
economically
weaker
sections.

4. Notwithstanding anything contained in any other law for the time being in force twenty per cent of the posts in Government Services shall be reserved for candidates belonging to economically weaker section of society.

Reservation
of Seats for
economically
weaker
section of the
society in
educational
institutions.

5. Forty per cent of seats in all educational institutions shall be reserved for candidates belonging to economically weaker sections of society and for people below poverty line.

STATEMENT OF OBJECTS AND REASONS

At present reservation of posts in Government services has been made only for Scheduled Castes and Scheduled Tribes and other backward classes. The reservation for Scheduled Castes has been made for those castes which find place in the Constitution (Scheduled Castes) Order, 1950 and for reservation for other backward classes, the recommendations of the Mandal Commission as the basis which primarily are on caste lines.

It has created hatred and disaffection among the people particularly after the decision of the Government of the day to implement the Mandal Commission's recommendations. The country witnessed violence, arson, looting, killings, bandhs, destruction of public property and violent clashes between people belonging to different castes. If the present policy continues the society will be further divided on caste lines and the dreams of our great national leaders and Founding Fathers of our Constitution to make India a casteless society will be shattered and the very basis of our brotherhood will be sacrificed at the altar of casteism for narrow political gains by those who are at the helm of affairs of the Nation.

The fact is that there are poor people in every class and every caste. There is no difference of opinion that people of backward classes are very poor but the number of poor in other castes is also quite large and yet, as per the existing rules, the benefit of reservation is not available to these poor people and, therefore, they are unable to raise their standard of living even after fifty-four years of independence.

Similarly, reservation of seats in educational institutions has also been made for the Scheduled Castes and Scheduled Tribes. But no such declaration has been made by the Government in cases of other backward classes which in itself is contradictory because in the absence of reservation in educational institutions the reservation in jobs is futile. Without proper education one can not think of jobs. However the present scheme of reservation has created doubts particularly in the minds of the student community with the result that they have adopted a path of confrontation.

In those circumstances it would be advisable and appropriate if economic condition of people, irrespective of their castes, is made the basis of reservation in Government Services and educational institutions. Such a provision will benefit the society as a whole and it will also save it from disintegration on caste lines. In fact the people of backward classes or castes will benefit more if the reservation is made on economic basis.

It is, therefore, necessary that a law be enacted to provide for reservation for persons belonging to economically weaker sections of the society and for those living below poverty line.

Hence this Bill.

S.S. AHLUWALIA

IV

BILL NO. XXI OF 2003

A Bill to provide for the rehabilitation and the financial relief to the people for damage caused to their crops, property, livestock or loss of life suffered by them due to cyclones, earthquakes and floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Cyclone, Earthquake and Flood Victims (Financial Relief and Rehabilitation) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Financial
Relief for
damage to
crops.

2. Every person whose crops have been damaged by cyclone, earthquake or flood shall, on an application made in the prescribed form, be paid adequate financial relief by the Central Government in proportion to the loss of crops suffered by him.

Explanation—For the purposes of this section crop includes all types of cereals, pulses, oilseeds, vegetables and fruits.

3. The Central Government shall, in consultation with the concerned State Government, provide to every family whose house and property have been destroyed by cyclone, earthquake or flood, a dwelling unit either at the same place or at any other place.

Shelter in case of destruction of house and property.

4. Every person whose livestock has been lost due to cyclone, earthquake or flood shall, on an application made in the prescribed form, be paid by the Central Government adequate financial relief to purchase essential livestock.

Financial relief for loss of livestock.

5. If any person dies as a result of cyclone, earthquake or flood, the Central Government shall, on an application made in the prescribed form by his surviving dependents, pay a sum of rupees one lakh to them as financial relief.

Financial relief in case of death.

6. The Government of the State or the Union Territory in whose territorial jurisdiction the victims loses his life due to cyclone, earthquake or floods, shall provide a suitable job to one of the eligible dependents of the victims.

Job to the next of kin and kin of a cyclone, earthquake or flood victim.

7. The Central Government shall in consultation with the Government of the State or Union territory concerned appoint within one month of the occurrence of any cyclone, earthquake or flood, a Commissioner with such other staff as may be necessary, for settling the claims for payment of financial help to the victims:

Appointment of Commissioners for settling claims.

Provided that the Commissioner shall dispose of a claim within three months of the receipt of the application by him.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Saving of other laws.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Major parts of the State of Bihar are inundated by the fury of floods every year caused by the rivers emanating from Nepal, Uttar Pradesh and Madhya Pradesh. Millions of helpless poor people of the State are badly affected by such floods. They lose their houses and other properties, livestock, crops and even their own lives in floods. Similarly there are other States in the North Eastern Region particularly Assam, Arunachal Pradesh which are severely affected by floods almost every year. Even the States like Andhra Pradesh, Gujarat and Rajasthan are sometimes badly affected by floods. Nowadays earthquakes are also occurring frequently causing devastation. Recently the nation had witnessed the havoc caused by earthquakes in Killari and Amravati in Maharashtra and parts of Andhra Pradesh and Karnataka and whole of Gujarat in which thousands of people lost their lives, properties, crops and livestock. In the past also we had witnessed devastation by earthquakes in Bihar, Garhwal region of U.P. and other parts of the country. The coastal areas of the country particularly of Andhra Pradesh and Tamil Nadu, Orissa and other adjoining States are frequently affected by cyclones causing widespread devastation and havoc there. The concerned State Governments do try to mitigate the sufferings of the affected people but due to financial constraints they are not able to provide adequate relief to them. However there always remains a big gap between the demands made by the affected States and the relief given by the Central Government.

Since the assistance provided by the Central Government is the main source on which the State Governments depend for providing relief to the persons affected by cyclones, earthquakes and floods, it is felt that the Union Government should bear the entire burden in this regard. Therefore, it is proposed that financial relief to the cyclone, earthquake and flood victims should be paid by the Central Government through a Commissioner and it should also undertake other rehabilitation measures with the active co-operation of the State Government.

Hence this Bill.

S.S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for financial relief for damage to crops. Clause 3 provides for provision of shelter in case of destruction of house property. Clause 4 provides for financial relief in case of death. Clause 7 provides for appointment of Commissioner for settling the claims. Therefore, the Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crores will be required for the purpose from the Consolidated Fund of India per annum as recurring expenditure. However this may not be required if there is no such natural calamity in a particular year.

A non-recurring expenditure of rupees fifty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the delegation of powers relates to routine matters only, it is of normal character.

V

BILL NO. XIX OF 2003

A Bill to provide for the protection of old persons and their welfare by the State by opening old persons' homes, providing shelter to the neglected and infirm old persons, giving financial assistance to the needy old persons and for their rehabilitation and matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Old Persons (Protection and Welfare) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) “appropriate Government” means,—

(i) in the case of a State, the State Government; and

(ii) in the case of a Union Territory, the Central Government;

(b) "infirm old person" means an old person who has become infirm due to his age, ailment and who has no independent and adequate means of livelihood;

(c) "old person" means any person who is sixty or more years of age;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) Every old person shall, on an application made in the prescribed form, be given rupees five hundred per mensem as financial assistance for his subsistence by the appropriate Government in whose jurisdiction that person permanently resides.

Financial assistance to old persons.

(2) The financial assistance payable to an old person under this section shall be subject to alteration on the basis of the prevailing price index as may be determined by the Central Government.

(3) The financial assistance referred to in sub-section (1) shall be disbursed to an old person by the appropriate Government through Government treasury or any branch of a public sector bank or post office according to the preference given by the concerned old persons in his application.

4. (1) The Central Government shall establish at least one Old Persons' Home in each district of the country at conspicuous places after consulting the concerned State Governments.

Establishment of old persons' Homes.

(2) The Central Government shall provide all necessary facilities in the Old Persons' Homes for the benefit of their inhabitants.

(3) All the infirm and other old persons neglected by their kith and kin shall be kept in Old Persons' Homes by the appropriate Government.

(4) The persons kept in Old Persons' Homes shall not be entitled to financial assistance referred to in Section 3 of this Act.

5. The appropriate Government shall provide to old persons,—

Other facilities to Old Persons.

(a) free medical aid in Government hospitals and other nearest dispensaries of the Government or other dispensaries or clinics recognised by the appropriate Government;

(b) means of entertainment and such other facilities which may help in removing their distress at being infirm or neglected by their kith and kin.

6. (1) Notwithstanding anything contained in any law for the time being in force, the local Police of every district headquarter shall keep a record of old persons in its jurisdiction in order to provide maximum security to such persons.

Area Police to keep record of Old persons and provide security.

(2) It shall be the duty of the area Station House Officer of the local police to arrange to provide maximum security to every lonely old person or lonely old couple residing in his jurisdiction.

7. The Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide adequate funds to State Governments.

8. The Central Government may, by notifications in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our society it is customary for every one particularly a male member to look after his old parents and support them. However, due to the near disappearance of the joint family system and economic considerations old persons are being increasingly ignored or neglected by their kith and kin and are left to fend for themselves in the society. As a result, we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life in old age. Such old persons live in hunger and want and are left uncared for. Though there is a statutory provision contained in Section 125 of the Code of Criminal Procedure 1973, which provides for maintenance allowance for the aged parents from their legal heirs. Generally old persons do not take recourse of this provision either due to their ignorance of the provision or on consideration of self-respect are not asking for support from their children. In some cases these old persons do not want to disturb the life of their kith and kin. In a Welfare State like ours, it is the duty of the State to look after its old citizens so that they can feel comfortable in their declining days.

The recent spate of murders of old persons in the Capital and other metros is another pointer towards growing insecurity of old persons in the Society. Old persons are increasingly becoming easy targets of criminals as is evident from the fact that in the Capital only old persons who were either living alone or lonely old couple were clubbed to death by criminals. Such old people cannot resist the criminals due to their old age and are killed easily even by petty implements such as a cricket bat, iron rod or a log. Thus, they become preferential targets of criminals. Hence, it has become necessary that utmost security is provided by the State to the old persons living alone or lonely old couples. The State must also open old persons homes in every district with all the facilities where infirm and lonely old persons should be lodged and looked after properly which may alleviate their suffering on account of their being neglected by their kith and kin.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the financial assistance to old persons. Clause 4 provides for opening of Old Persons' Homes in every district of the country. Clause 7 provides that the Central Government shall provide adequate funds to State Governments. This Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. However, at this stage it cannot be estimated as to how many old persons will need financial assistance and how many of them will be lodged in Old Persons' Homes. But it is estimated that an annual recurring expenditure of about rupees five hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees twenty lakhs will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

VI

BILL NO. XVI OF 2003

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and for providing at least EK BATTI connection to every house and hut in rural India and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Rural Electrification Act, 2003.
- (2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) "Authority" means the Rural Electrification Authority established under section 3;
 - (b) "prescribed" means prescribed by rules made under this Act;
 - (c) words and expressions used but not defined in this Act and defined in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meanings respectively assigned to them in those Acts.

9 of 1910.
54 of 1948.

3. (1) The Central Government shall establish a Rural Electrification Authority having its headquarter at Bhopal in the State of Madhya Pradesh to exercise such functions and perform such duties under this Act and in such manner as the Central Government may prescribe or direct and in particular to,—

Establishment of the Rural Electrification Authority.

(i) develop a sound, adequate and uniform national rural electrification policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self employment in villages;

(c) at least EK BATTI connection of electricity in every dwelling unit of each village in the country.

(ii) invite and promote private sector in establishing power units exclusively for the use of rural sector in the country;

(iii) carry out investigations and to collect and record the data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas;

(iv) co-ordinate the activities of the national and State Planning agencies in relation to the control and utilisation of power resources for the rural sector.

(2) The Authority shall consist of not more than five members appointed by the Central Government of whom at least two shall be from amongst the farmers.

(3) The Central Government shall appoint one of the members to be the Chairman of the Authority.

(4) All the Members of the Authority including the Chairman shall hold office during the pleasure of the Central Government.

(5) The Authority may appoint a Secretary and such other officers and employees as it considers necessary on such terms and conditions as may be prescribed.

4. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority and for the administrative expenses of the Authority.

Funds of the Authority.

5. The Authority shall have a Fund to be called the Rural Electricity Development Fund to which shall be credited all moneys received from the Central and State Governments for the purposes of rural electrification and from all other sources such as the rural consumers, private sector generating electricity for rural sector, etc. and all payments by the Authority towards electrification expenditure shall be made therefrom.

Development Fund.

6. The Authority shall establish new generating station in any area in which it is required by any scheme of the Authority.

Authority to establish new generating stations.

7. The Authority may supply electricity to the farmers at subsidised rates as may be prescribed from time to time.

Authority to provide electricity at subsidised rates to farmers.

Ek Batti connection to be free of cost for the scheduled castes, scheduled tribes and other backward class residing in rural areas.

8. It shall be the duty of the Authority to provide the *Ek Batti* connection and supply of electricity thereto free of cost to the Scheduled Caste, Scheduled Tribe and other backward class families residing in rural areas of the country.

Effect of other laws.

9. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948.

9 of 1910.
54 of 1948.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness because due to power shortage the industrial sector, the agricultural sector and the household cannot make progress at the desired levels resulting in ultimate backwardness. Our Power stations whether these are thermal, hydel or atomic are producing electricity much below their generating capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people, by the print and the electronic media if there is a load shedding for few hours in the cities but nobody bothers when the electricity is cut off to the rural areas for months together even if the crops of the hapless farmer are dying in the absence of water as he cannot run the tubewell without electricity.

Since more than seventy-five per cent of our population is engaged in agriculture and agriculture-related small and cottage industries it is our national duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least *Ek Batti* connection to every household including every hut in the country to remove the darkness. To achieve these objects it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least one bulb connection to every household in the villages. The Authority will also give special attention to drought prone areas in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Electrification Authority. Clause 4 provides for the funds of the Authority. Clause 6 provides for establishment of new generating stations. The Bill, if enacted and brought into operation will involve recurring expenditure of five hundred crore rupees from the Consolidated Fund of India every year.

A non-recurring expenditure of about one hundred crore rupees will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VII

BILL No. XVII OF 2003

A Bill to provide for the free medical and engineering education to deserving students who cannot afford the expensive medical and engineering education, despite being talented, due to their poor economic conditions and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Free Medical and Engineering Education to Deserving Poor Students Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "poor student" means any student whose family income, from all sources, does not exceed two thousand rupees per month;

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The appropriate Government shall provide free medical and engineering education to every deserving poor student who has obtained such marks or passed such examination with such distinction as may be prescribed from time to time.

Appropriate Government to provide free medical and engineering education to every deserving poor student.

(2) The appropriate Government shall provide to every poor student admitted to any medical or engineering college including private medical or engineering college or Institute under this Act—

(a) the entire cost of admission and tuition fee;

(b) materials like books, note-books, stationery etc. free of cost;

(c) free hostel facilities wherever necessary;

(d) scholarships in such cases as may be prescribed.

4. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Supplementing other laws.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Most of the parents have a dream to make their sons or daughters either doctors or engineers and so is the desire of the majority of the youth pursuing their studies in schools. However, due to a very tough competition this dream remains a dream forever for the majority as they are not selected for the admission to these prestigious courses. However, there are students who are extraordinary brilliant but their dreams are not fulfilled despite their ability to cross all the hurdles because of the poverty. The medical and engineering education is so costly that even middle class families cannot afford to send their wards, not to talk of the poor and the people living below the poverty line. Thus a large chunk of deserving students cannot have the benefit of medical and engineering education.

Since ours is a welfare State, it is our duty to give chance to such poor but deserving students to pursue the studies of their choice and fulfil their ambitions of life. In such cases the appropriate Government should bear all the expenses of students towards their studies in engineering or medical colleges.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical and engineering education by the appropriate Government to a deserving poor student enrolled even in a privately owned medical or engineering college. This Clause also provides for certain other facilities including scholarships to poor students. At this juncture it is not practicable to calculate the exact amount that will be spent for the purpose but an estimated recurring expenditure of fifty crores of rupees per annum is likely to be involved from the Consolidated Fund of India if the Bill is enacted and brought into operation.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matter will relate to procedure and administrative details only.

The delegation of legislative power is, therefore, of normal character.

VIII

BILL NO. XV OF 2003

A Bill to provide for the establishment of a rural labour welfare fund for promoting the welfare of the rural labour employed in the agriculture and other rural occupations and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rural Labour Welfare Fund Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Commissioner” means the Rural Labour Welfare Fund Commissioner appointed under section 7 and includes any Officer authorised to exercise any of his functions under this Act;

(b) “employer” means the cultivator, orchard owner, poultry farm owner, agency, society including co-operative society or any establishment in a rural area which employs rural labour;

(c) “Fund” means the Rural Labour Welfare Fund established under section 3;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “rural labour” means any person engaged in agriculture, sericulture, poultry, horticulture, handicrafts or any related occupation in rural area as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

Establishment of Fund.

3. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund which shall be operated by an Authority with its headquarters at Bhopal in the State of Madhya Pradesh.

(2) The Central Government shall after due appropriation made by Parliament in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

Utilisation of Fund.

4. (1) The Fund shall be utilised by the Central Government to meet the expenditure in connection with measures which in the opinion of the Central Government, after consulting the Governments of the States and Union Territory Administrations, are necessary or expedient to promote the welfare of the rural labour and in particular:—

(a) to defray the cost of measures to be carried out for the benefit of rural labour directed towards—

(i) providing and improving water supply for drinking and other purposes;

(ii) providing and improving educational facilities;

(iii) the improvement of standard of living and nutrition;

(iv) amelioration of social conditions;

(v) providing and improving housing and recreational facilities;

(vi) rendering financial assistance in case of infirmity or disability due to accident, old age, etc;

(vii) providing and improving such other welfare measures as may be prescribed.

(b) to grant loan, assistance or subsidy to any State Government, Union Territory Administration, local authority or any organisation in aid of any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(c) to pay annually grant-in-aid to any State Government, Union Territory Administration, local authority or an employer or any other organisation which provides to the satisfaction of the Central Government welfare measures and facilities of the prescribed standard for the benefit of rural labour;

(d) to meet the cost of administering the Fund;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

5. (1) The Central Government may constitute as many Advisory Committees as it thinks fit to advise the Central Government on such matters arising out of the administration of this Act or the Fund:

Advisory Committees.

Provided that at least one Advisory Committee for each State and Union Territory shall be constituted by the Central Government in consultation with the respective State Government and Union Territory Administration.

(2) The members of the Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government for such term as may be prescribed.

(4) The term of office and other conditions of service of the members shall be such as may be prescribed.

6. (1) The Central Government shall constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

Central Advisory Committee.

(2) The members of the Central Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government for such term as may be prescribed.

(4) The term of office and other conditions of service of the members shall be such as may be prescribed.

7. (1) The Central Government may appoint as many Rural Labour Welfare Fund Commissioners, Inspectors and such other officers and staff as it thinks necessary for carrying out the purposes of this Act.

Appointment and Powers of Officers.

(2) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

(3) Any officer or inspector appointed under this Act, may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time any place which he considers necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

8. The Central Government may require a State Government or Union Territory Administration or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

State Government etc. to furnish information.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,—

(a) the manner in which the fund may be applied or;

(b) the conditions governing the grant of loan or subsidy;

(c) the conditions governing grant-in-aid;

(d) the standard of welfare measures and facilities to be provided out of the fund;

(e) the composition of the Advisory Committees and Central Advisory Committee constituted under section 5 and 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them and the manner in which the Advisory Committee and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and duties of all persons appointed under section 7;

(g) the powers that may be exercised by an officer or inspector appointed under section 7.

STATEMENT OF OBJECTS AND REASONS

India resides in villages and 85 per cent of its population earns its livelihood from agriculture. There are cultivators, orchard owners, poultry owners, agricultural workers and homebased workers in the rural areas. Their number runs into crores. However their wages and income are meagre and many of them do not get employment throughout the year. This rural labour also becomes easy prey to the debt trap of the landlords and moneylenders who force them to become bonded labourers. Most of them remain very poor throughout their lives and are living in this distress from generations together. In a Welfare State like ours there are no welfare schemes or funds for these hapless rural labourers whereas in the industrial sector there are labour welfare Boards and cess is levied and collected through legislative measures in order to provide them with various amenities including housing, education and medical care. But the rural labour in unorganised and poverty stricken and thus are neglected even by the State at the national level.

It is, therefore, necessary that the deteriorating plight of rural workers be felt at the national level and the Central Government should establish a Rural Labour Welfare Fund for financing adequately and systematically the welfare measures to be carried out for the rural and agricultural labour throughout the country so as to achieve the goals of Welfare State in its true sense.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Fund. Clause 5 provides for constitution of Advisory Committees. Clause 6 provides for constituting a Central Advisory Committee. The Bill, if enacted, will involve expenditure from Consolidated Fund of India but it is not possible at this stage to give the precise details of the expenditure that would be involved. It is, however, estimated that it will involve a recurring expenditure of about rupees two hundred crores per annum.

It will also involve a non-recurring expenditure of about rupees fifty lakh.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that Central Government may make rules for carrying out the purposes of this Bill. The delegation of legislative power will relate to matters of details only which is of normal character.

IX

BILL NO. XXXI OF 2003

A Bill to provide for making the use of solar energy mandatory in every commercial, industrial, Government and residential building with a view to saving conventional energy and protecting the environment and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent
commence-
ment and
application.

1. (1) This Act may be called the Solar Energy (Mandatory Use in Buildings) Act, 2003.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (4) It shall apply to all new buildings for which building plans are submitted to the competent authorities for approval after the Act comes into force.

Definitions.

2. In this Act, unless the context otherwise requires;—
 - (a) “Board” means National Solar Energy Promotion Board established under section 4;
 - (b) “building” means all such structures, sheds, houses and buildings notified under the rules framed by the appropriate Government under this Act;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "solar photovoltaic modules, panels and solar thermal collectors" mean flat or concentrating devices which collect, convert or store solar energy for use in the form of heat or electricity.

3. (1) It shall be obligatory for the owner, contractor, builder and promoter of every new building to install solar assisted water heating systems in all buildings where there is a requirement of hot water.

Obligation for the owners contractor, builder and promoter.

(2) It shall be obligatory for the owner, contractor, builder and promoter of every new building to install solar photovoltaic modules and panels for generating electricity for meeting a part of its sanctioned electric in such manner as may be prescribed.

(3) The solar thermal collectors and photovoltaic modules and panels may be installed on the top of the buildings and or in the land forming part of the property.

4. (1) For the purposes of this Act the Central Government shall, by notification in the Official Gazette, establish a Board to be known as National Solar Energy Promotion Board with its headquarter at New Delhi.

Establishment of National Solar Energy Promotion Board.

(2) The Board may open such number of officers in the States as may be required.

5. (1) The Board shall be headed by a Chairperson and five other members to be appointed by the Central Government in such manner as may be prescribed.

Constitution of the Board.

(2) The terms and conditions of service of the Chairperson and the members may be such as may be prescribed.

(3) The Board shall have a Secretariat with such set up as may be prescribed.

(4) The Board shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings as may be prescribed.

6. The Board shall take such actions as may be necessary for the implementation of this Act including, *inter alia*, the following:—

Functions of the Board.

(a) specify the categories and size of buildings to be covered by this Act;

(b) amendment to the building bye-laws so as to make it obligatory for the owners, contractors, builders and promoters of all new buildings to install solar thermal collectors and photovoltaic modules as specified in this Act;

(c) specify a certain percentage of the electricity requirements of the buildings to be met through solar energy;

(d) specify the circumstances and technical grounds under which exemptions may be granted from the provisions of this Act;

(e) make provision for subsidies and other incentives for the installation of solar energy systems in new buildings as well as existing buildings; and

(f) popularize and promote awareness among the people about the availability of solar thermal and photovoltaic products and the benefit arising from their use.

7. The Central Government shall, after due appropriation made by law by Parliament, provide requisite funds for the purposes of this Act, from time to time.

Central Government to provide funds.

8. Whoever contravenes the provisions of this Act shall be liable to imprisonment which may extend to two years and fine of upto ten thousand rupees.

Penalty.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time-being in force.

Saving.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

With rapid industrialization, our country is one of the largest consumers of electricity among the developing countries. Keeping in view the fast depleting reserves of fossil fuel and country's dependence on imported oil, the time is ripe to explore and tap the inexhaustible source of solar energy.

The energy constraints and conditions arising out of limited availability of fossil fuel have prompted the advanced countries to explore the unlimited supply of solar energy as a cheap alternative and safe source of radiant energy.

Solar energy has the advantage of being noise and pollution free with no maintenance cost. It is also considered cheap in comparison to fossil fuel required for the generation of energy.

Large number of developed countries have been successful in this respect. Solar energy is being employed in heating and cooling applications. Solar refrigerators, street lighting, pumping etc. have become familiar in different parts of the globe. Solar thermal panels are common sight on the rooftop of residential houses in various countries and it is obligatory for the house owners to install solar thermal panels for domestic power requirements.

Solar energy equivalent to 5,000 trillion kilo volt hours is received in our country per year. There are almost 250-300 sunny days in most parts of the country.

The R&D work done by the National Physical Laboratory indicates that this country has huge potential for harnessing solar energy and today India is the third largest producer of solar cells and modules in the world and if proper initiative is given to the indigenous entrepreneurs, large scale production of solar thermal modules and solar photovoltaic panels required for installation at the rooftop of residential buildings is possible. Although the initial installation cost is a bit high but there is no recurring expenditure involved for receiving the solar energy as the power obtained from solar thermal modules and photovoltaic panels is absolutely free, non-stop, with no generation cost and no metre. There is also no problems of power theft and long period of load shedding.

In view of vast expansion of the urban area and growing dwelling units and with ever increasing demand of domestic as well as industrial power needs, it is desirable to make it mandatory for all house builders to install solar energy system with a view to saving conventional energy and protecting the environment.

Hence the Bill.

AIMADUDDIN AHMED KHAN 'DURRU'

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of a Board for promotion of the use of the solar energy. Clause 6 of the Bill makes provision of subsidy and other incentives for installation of solar energy systems in new buildings as well as existing buildings. The Bill, if enacted and brought into operation, will involve expenditure from the consolidated fund of India. It is estimated that a recurring expenditure amounting to three hundred crores is likely to be incurred per annum.

A non-recurring expenditure of rupees five hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to formulate necessary rules and take such other action as may be necessary for implementation of this Act. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

X

BILL NO. XXXIII OF 2003

A Bill to provide for establishment of a National Commission for safe food and water for the purpose of making available safe and hygienic food and water to the citizens and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) The Act may be called the National Commission for Safe Food and Water Act, 2003.

(2) It extends to whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) 'commission' means National Commission for Safe Food and Water established under section 3;

(b) 'food' includes any edible item for human consumption being sold in the market;

(c) 'member' means Member of the Commission and includes Member-Secretary.

(d) 'prescribed' means prescribed by rules made under this Act;

(e) 'water' means potable water available through taps and includes packaged drinking water in any form and ground water.

3. (1) The Central Government shall by notification in the Official Gazette establish a Commission to be called National Commission for Safe Food and Water for providing safe and hygienic food and water in the country.

Establishment
of National
Commission
for Safe Food
and Water.

(2) The Commission shall consist of—

(a) a Chairperson who shall be the retired Judge of the Supreme Court.

(b) five other Members from amongst the persons having special knowledge in the field of safe and hygienic food and water.

(c) A Member-Secretary.

(3) The headquarters of the Commission shall be in New Delhi.

(4) The Chairperson and other Members of the Commission shall be appointed by a Committee consisting of Vice-President of India, Prime Minister, Speaker of the House of the People, Leader of Opposition of both the Houses of Parliament.

(5) The terms and the conditions of service of the Chairperson and the Members shall be such as may be prescribed.

(6) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act and provide requisite funds after due appropriation made by law by Parliament from time to time.

4. The Commission shall perform the following functions:—

Functions of
the Commission.

(a) to evolve a national food and water policy for the country and fix the standards for safe food and water;

(b) to investigate and examine all matters pertaining to food adulteration and water contamination with relation to safeguards provided for the purpose in various laws;

(c) to present to the Central Government such report as it may deem necessary on the working of the safeguards referred to in clause (b);

(e) to review and make such recommendations for the effective implementation of the safeguards;

(f) to look into complaints received from bona fide persons and take them up with appropriate authorities;

(g) to educate the public about their rights regarding safe food and water;

(h) to give wide publicity to the various policies, standards, through print as well as the electronic media;

(i) to monitor the implementation of various policies, programmes and schemes for safe food and water; and

(j) any other function assigned to it by the Central Government.

5. The provision of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force.

Over riding
effect.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

Health of a nation depends upon the quality of food and water its citizens get. Right to safe and hygienic food and water is the basic right of every citizen. But till date, this area of providing safe food and water to the citizens has been neglected. Numerous cases of adulteration and contamination are reported almost daily but no heed has ever been paid to the gravity of the problem. Despite the Prevention of Food Adulteration Act, adulteration in food and water is very common. The worst sufferer of adulteration is the milk, which is being adulterated right from urea, chalk, and pesticide to detergents. Recently, there was a controversy on the packaged drinking water when traces of pesticides were found in one of the most popular brand. We have already seen organized adulteration in mustard oil leading to a deadly disease of dropsy in the capital and other parts of the country. Now and then, people are falling ill after consuming adulterated food or contaminated water but the persons who are responsible for adulteration are getting scot free.

Therefore, to protect the interests of the consumer, there is an urgent need to set up a Commission that would look into the whole gamut of providing safe and hygienic food and water to the citizens in the country.

Hence this Bill.

KHAN GHUFRAN ZAHIDI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be a National Commission for Safe Food and Water for providing safe and hygienic food and water to the citizens of the country. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter relates to details only, the delegation of powers is of normal character.

YOGENDRA NARAIN,
Secretary-General.